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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,846	11/26/2003	Dean Foote	LAMA122071	9688
26389 7590 01/24/2007 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER PAṬEL, VISHAL A	
			ART UNIT 3673	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/723,846	<b>Applicant(s)</b> FOOTE ET AL.	
	<b>Examiner</b> Vishal Patel	<b>Art Unit</b> 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Walker (US. 4,150,836).

Walker discloses a seal configuration comprising a body (16) that contains internal pressure (pressure in body 16), the body having an opening with inwardly tapered peripheral sidewalls (tapered wall where seal 24 contacts); a closure (closure having wall 20) that closes the opening, the closure serving as a door (closure serves as a door) adapted to be opened and closed at will, the closure having an attachment portion larger than the opening (this is the case since the opening is closed by the closure) with a planar surface (planar surface 20) from which projects an axially projecting stopper portion (**stopper portion that is contacted by ring surface 40 and having the groove to retain the seal**) that fits closely within the opening, the stopper portion having an endless peripheral seal groove (groove that retains the seal 24 and 42) extending in spaced relation around the axis in which is positioned a peripheral seal (24) that sealingly engages the tapered peripheral sidewalls of the body in interference fit relation, thereby conforming to the tapered peripheral side wall, a backing ring (42) of pliable memory retaining material sheltered from internal pressure within the body (this is the case since the seal blocks the pressure) by the peripheral seal and positioned in close fitting relation around the projecting

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stopper portion (this is the case since the backup ring is positioned in close fitting relation with **the stopper portion**) between the peripheral seal groove and the planar surface (20) of the attachment portion of the closure, the backing ring engaging the tapered peripheral sidewall of the body in interference fit relation and conforming to the tapered peripheral sidewall while being sufficiently stiff as to resist extrusion flow under pressure (this is the case as seen in figures), *such that when the peripheral seal deforms (intended use but as seen in figure 4 the seal deforms) in response to an increase in internal pressure within the body and extrusion gaps begin to form between the attachment portion of the closure and the body (intended use, but the pressure that flow between the member 16 and 14 will also deform the seal), the peripheral seal is extruded in an axial direction (the seal extends both axially and radially when the seal deforms) against the backing ring (the seal is extruded against the backing ring 42, the limitations above are considered as intended use limitations or method limitations and given little patentable weight in apparatus claim),* that portion of the backing ring engaging the tapered peripheral side wall of the body plastically deforming by changing shape (the backing ring 42 changes shape) and applying sealing pressure (method limitation given no patentable weight in an apparatus claim, but the backing ring provides a secondary seal) at the extrusion gap to prevent the peripheral seal from entering the extrusion gaps (as demonstrated in figures 3a-3b and 4).

As stated applicant has described limitations that are intended use limitations and are given little patentable weight in an apparatus claim.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Williamson (Us. 5,115,550).

Williamson discloses a seal configuration comprising a body (76) that contains internal pressure (pressure in body 76), the body having an opening with inwardly tapered peripheral sidewalls (tapered wall 68), a closure (46) that closes the opening, the closure serving as a door (closure serves as a door) adapted to be opened and closed at will, the closure having an attachment portion larger than the opening (this is the case since the opening is closed by the closure portion 40) with a planar surface (planar surface of 46 that faces 44) from which projects an axially projecting stopper portion (stopper portion that is contacted by 56 of ring 44) that fits closely within the opening, the stopper portion having an endless peripheral seal groove (groove that retains the seal 72) extending in spaced relation around the axis in which is positioned a peripheral seal (72) that sealingly engages the tapered peripheral sidewalls of the body in interference fit relation, thereby conforming to the tapered peripheral side wall, a backing ring (44) of pliable memory retaining material sheltered from internal pressure within the body (this is the case since the seal blocks the pressure) by the peripheral seal and positioned in close fitting relation around the projecting stopper portion (this is the case since the backup ring is positioned in close fitting relation with the stopper portion) between the peripheral seal groove and the planar surface (the planar surface of 46) of the attachment portion of the closure, the backing ring engaging the tapered peripheral sidewall of the body (backing ring portion 62) in interference fit relation and conforming to the tapered peripheral sidewall while being sufficiently stiff as to resist extrusion flow under pressure (this is the case as seen in figures), *such that when the peripheral seal deforms (intended use but as seen in figure 4 the seal deforms) in response to an increase in internal pressure within the body and extrusion gaps begin to form between the attachment portion of the closure and the body (intended use, but the*

*pressure that flow between the member 76 and 46 will also deform the seal), the peripheral seal is extruded in an axial direction (the seal extends both axially and radially when the seal deforms) against the backing ring (the seal is extruded against the backing ring, the limitations above are considered as intended use limitations or method limitations and given little patentable weight in apparatus claim), that portion of the backing ring engaging the tapered peripheral side wall of the body plastically deforming by changing shape (the backing ring 44 changes shape) and applying sealing pressure (method limitation given no patentable weight in an apparatus claim, but the backing ring provides a secondary seal) at the extrusion gap to prevent the peripheral seal from entering the extrusion gaps (as demonstrated in figures 3-5).*

As stated applicant has described limitations that are intended use limitations and are given little patentable weight in an apparatus claim.

#### ***Response to Arguments***

4. Applicant's arguments filed 11/18/05 have been fully considered but they are not persuasive.

Applicants' argument that the reference of Walker does not teach a stopper portion 30 between a planar surface 29 provided by attachment portion 28 and seal groove 32 is not persuasive because Walker teaches a planar surface 20 provided by attachment portion (10) and a seal groove (groove holding the seal).

Furthermore Walker teaches that the attachment portion has a planar surface from which projects a stopper portion, that the backing ring is positioned in close fitting relation around the projecting stopper portion between the peripheral seal and the planar surface of the attachment portion.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

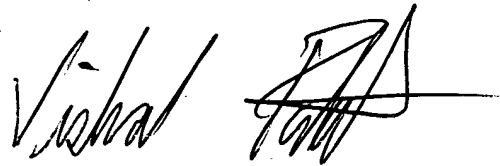
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP

January 22, 2007

A handwritten signature in black ink, appearing to read 'Vishal Patel', with a stylized flourish extending from the end.

Vishal Patel  
Patent Examiner  
Tech. Center 3600



FIG. 2

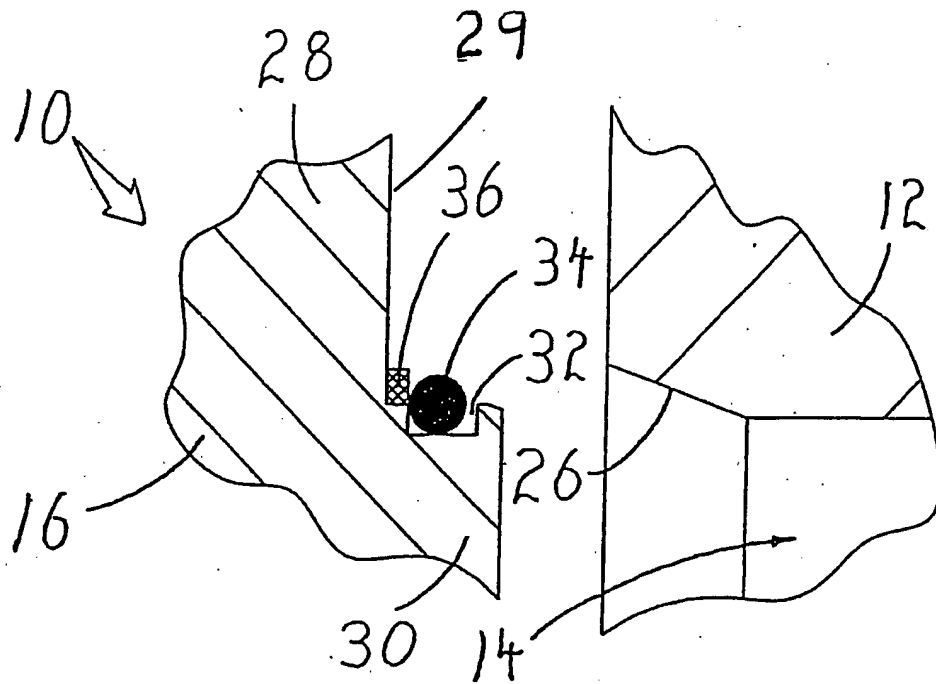


FIG. 3

